

## In the United States Court of Federal Claims

R.I. EAR, NOSE AND THROAT  
PHYSICIANS, INC.,

and

HEARING CENTERS OF RHODE  
ISLAND, LLC,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 24-cv-1202

No. 24-cv-1222

(Filed: September 27, 2024)

### ORDER

On August 9, 2024, Plaintiff, Hearing Centers of Rhode Island, LLC, filed a Notice of Directly Related Case, asserting that the above-captioned cases are directly related because both plaintiff-entities are treated as a single employer under Section 2301(d) of the CARES Act<sup>1</sup> and because both plaintiff-entities rely on the same facts to support their respective claims. *See Hearing Centers of Rhode Island, LLC v. The United States*, ECF No. 4.

After reviewing and comparing the operative complaints in each case, the Court ordered that the parties file a Joint Status Report outlining each party's respective position regarding whether the two cases should be consolidated. *See Hearing Centers*, ECF No. 11. On September 24, 2024, the parties filed their Joint Status Report. *See Hearing Centers*, ECF No. 12. Both parties assert that the cases involve common questions of law and fact such that consolidation would be in the interest of judicial economy and would avoid unnecessary cost or delay. *Id.*

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<sup>1</sup> In the Joint Status Report, *Hearing Centers*, ECF No. 12 at 2, the United States notes that "whether the plaintiff-entities constitute 'a single employer' under the CARES Act is a separate legal question," and that the Court should not read its lack of objection to consolidation as any admission as to the relatedness of the two plaintiff-entities. Although the Court finds that determining whether the two plaintiff-entities should be treated as a "single employer" involves common questions of law and fact that favor consolidation, the Court declines to answer this question at this stage, and does not construe Defendant's lack of objection as any admission of such.

The Court agrees. Accordingly, pursuant to Court of Federal Claims Rule 42(a), this Court hereby **ORDERS** that the two above-captioned cases be consolidated and **DESIGNATES** No. 24-1202 as the lead case. The Court **DIRECTS** the Clerk of Court to **CONSOLIDATE** the above-captioned cases. All future filings **shall be made only in the lead case**, *R.I. Ear, Nose and Throat Physicians, Inc. v. United States*, No. 24-1202.

**IT IS SO ORDERED.**

/s/Robin M. Meriweather

ROBIN M. MERIWEATHER

Judge